

Approved April 4, 1988
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Robert S. Wunsch at
Chairperson

3:30 ~~a.m.~~/p.m. on March 24, 1988 in room 313-S of the Capitol.

All members were present except:

Representatives Crowell, Fuller, Kennard, Peterson and Roy, who were excused.

Committee staff present:

Jerry Donaldson, Legislative Research Department

Jill Wolters, Revisor of Statutes Office

Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Jim Yonally, Kansas Association of Security Alarm Companies

Shelley Gasper, Attorney General's Office

Hearing on S.B. 679 -- Consumer protection act, exclusion of warranties

Jim Yonally testified the Supreme Court in 1987 determined that security alarm companies were insurers of the property that their services were being provided for. S.B. 679 amends the Kansas Consumer Protection Act to narrow certain warranties which may not be excluded by a supplier in a consumer transaction to those implied warranties of merchantability for fitness for a peculiar purpose as defined in the Uniform Commercial Code. The bill prevents alarm companies from being insurers of the property of their customers.

Shelley Gasper stated the Attorney General's office has no objection to this bill as it is currently drafted.

Representative Walker moved and Representative O'Neal seconded to report S.B. 679 favorable for passage. The motion passed.

The hearing on H.B. 2372 was continued to Tuesday, March 29, 1988.

The Committee considered the following bills.

S.B. 586 -- Corporation control share acquisition act

A motion was made by Representative Snowbarger and seconded by Representative Douville to add the word "corporation" to line 0211 after the word "public". The motion passed.

Representative Snowbarger moved conceptually to define who has dissenters rights in Section 11, (b), and to omit reference to K.S.A. 17-6712. Representative Vancrum seconded and the motion passed.

Representative Douville moved to report S.B. 586, as amended, favorable for passage. Representative Adam seconded the motion, and the motion passed.

Substitute for S.B. 534 -- Concerning crimes & punishments, relating to theft of services

Representative O'Neal moved to change the statutes and make them uniform for theft of services and property, and to reflect that theft of services or property valued at \$500 and not to exceed \$10,000 would be a Class E felony, and amounts of \$10,000 and more would be a Class D felony. Theft up to \$500.00 would be a Class A misdemeanor. A second conviction for theft under \$500 within 5 years would constitute a Class E felony. The motion passed .

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 313-S, Statehouse, at 3:30 ~~xxx~~/p.m. on March 24, 19 88

Representative Shriver moved to increase the D threshold to \$25,000. Representative Snowbarger seconded the motion. The motion passed.

A motion was made by Representative Shriver and seconded by Representative Sebelius to raise the minimum threshold on a Class E felony from \$500 to \$1,000. The motion passed.

Representative Douville moved and Representative Snowbarger seconded to amend Section 1, subsection (d), lines 42, 43 and 44 to read "person's own use, or the use of another, any electricity or natural gas which has not been measured, or telephone service or cable television service which has not been authorized; or". The motion passed.

A motion was made by Representative O'Neal to report Substitute for S.B. 534, as amended, favorable for passage. The motion was seconded by Representative Snowbarger. The motion passed.

The Committee meeting was adjourned at 4:45 p.m.

